

OCT 19 2005

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October 19, 2005

VIA FACSIMILE

(Total No. of Pages Transmitted: 35)

To: Primary Examiner Eric Coleman Facsimile No.: 571-273-8300
Group Art Unit: 2183
U.S.P.T.O.

From: John J. Dresch, Esq. Facsimile No.: (703) 761-2375 or 76

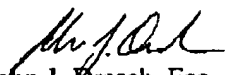
Re: Enclosed Petition to Reinstate Appeal and Supplemental Appeal Brief
U.S. Patent Application No.: 09/805,200
Attorney Docket No.: BUR919980050US4
Our Reference: BUR.006 DIV1

Dear Examiner Coleman:

Enclosed for filing is a Petition to Reinstate Appeal and Supplemental Appeal Brief responding to the Office Action mailed on July 19, 2005, in the above-referenced application.

Thank you in advance for your kind consideration on this case.

Very truly yours,



John J. Dresch, Esq.
Registration No. 46,672

JJD/SMM

Enclosures (Petition to Reinstate Appeal - 3 pages; Supplemental Appeal Brief - 31 pages)

CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Petition to Reinstate Appeal and Supplemental Appeal Brief to Examiner Eric Coleman on October 19, 2005.


John J. Dresch, Esq.
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OCT 19 2005

BUR.006 DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

William P. MOORE, et al.

Serial No.: 09/805,200

Group Art Unit: 2183

Filed: March 14, 2001

Examiner: Eric Coleman

For: MICROPROCESSOR INCLUDING MICROCODE UNIT THAT ONLY CHANGES
THE VALUE OF CONTROL SIGNALS REQUIRED FOR THE CURRENT CYCLE
OPERATION FOR REDUCED POWER CONSUMPTION AND METHOD THEREOF

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181
TO REINSTATE APPEAL

Sir:

Appellants herein petition under 37 C.F.R. § 1.181 for reinstatement of the appeal for the above-referenced Application.

The Office Action mailed July 19, 2005 reopened prosecution after the filing of an Appeal Brief (but before the Examiner's Answer or a decision on the merits by the Board of Patent Appeals and Interferences).

In reopening the prosecution, the Examiner issued a non-final Office Action mailed July 19, 2005, which included a new ground of rejection of dependent claims 6 and 30. However, the rejection of claims 1-4, 9, 20, and 23-29 remained the same as the rejection applied in the final Office Action mailed October 13, 2004, from which the previous Appeal was taken.

Serial No. 09/805,200
Docket No. BUR919980050US4
(BUR.006 DIV1)

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No Examiner's Answer was issued by the Office. The Examiner responded to Appellants' positions in the Appeal Brief in the "Response to Arguments" section of the July 19, 2005 Office Action.

The new ground of rejection is based on previously cited Damouny (U.S. Patent No. 4,713,750) and Thoma (U.S. Patent No. 4,484,268), in combination with newly cited Catherwood (U.S. Patent No. 5,457,802).

Appellants have evaluated the new rejection and consider that, to one of ordinary skill in the art, the Catherwood reference clearly does not render obvious all of the features of the claimed invention, in combination with Damouny and Thoma.

Moreover, the rejection of claims 1-4, 9, 20, and 23-29 have remained the same as the rejections applied in the final Office Action mailed October 13, 2004, from which the previous Appeal was taken.

Therefore, Appellants consider that reopening prosecution based on the same rejection of claims 1-4, 9, 20, and 23-29, and a new ground of rejection of dependent claims 6 and 30, in the Office Action mailed July 19, 2005, would not meaningfully advance prosecution. Indeed, Appellants respectfully submit that such would only serve to continue to unduly delay the ultimate issue of the patent.

A Supplemental Appeal Brief is being filed concurrently herewith.

The Supplemental Appeal Brief responds to the new ground of rejection raised in the Office Action mailed July 19, 2005, which reopened prosecution, and also the Examiner's Response to Arguments set forth therein.

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Appellants respectfully request that the fee paid for the Notice of Appeal filed on February 14, 2005 and the Appeal Brief filed on April 14, 2005 be applied to the Supplemental Appeal Brief submitted concurrently herewith.

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Assignee's Deposit Account No. 09-0456.

Respectfully Submitted,

Date: October 19, 2005


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Seam M. McGinn, Esq.
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Petition to Reinstate Appeal to Examiner Eric Coleman on October 19, 2005.


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